



DEFENSE LOGISTICS AGENCY
HEADQUARTERS
8725 JOHN J. KINGMAN ROAD
FORT BELVOIR, VIRGINIA 22060-6221

Ms. Dassia Put
Midwest Tube Fabrication, Inc.
36845 Metro Court
Sterling Heights, MI 48312

December 13, 2019

Ms. Put:

This Disposition Letter addresses your Freedom Of Information Act (FOIA) request for abstract records. Your FOIA request was assigned the FOIA case tracking number of DLA-LANDM-2019-003896.

Enclosed are the records we have in response to your request which are released in part pursuant to 5 U.S.C. § 552(b)(4) and 5 U.S.C. § 552(b)(5).

Due to changes in the DoD FOIA Regulation (32 CFR Part 286, Jan. 5, 2017) and following consultation with DLA Office of General Counsel, DLA has determined that releasing both the CAGE code and the unit price bid of losing bidders would likely constitute release of commercial proprietary information.

As economic theory more strongly supports the value to the market of release of unit price bid vice CAGE code, DLA has determined that the CAGE code of losing bidders must be withheld in accordance with Exemption 4 of the FOIA, 5 U.S.C. § 552(b)(4). Pursuant to Exemption 4, certain non-government financial information is exempt from disclosure. Exemption 4 protects: trade secrets; or information that is commercial or financial, obtained from a person or entity outside of the U.S. Government, and privileged or confidential.

Internal control numbers associated with funding citations as well as pricing logic elements are withheld under Exemption 5 of the FOIA, 5 U.S.C. § 552(b)(5), which protects internal deliberative records and records the release of which would likely place the government at a competitive disadvantage in the procurement process.

This agency decision concludes the processing of your request(s) referred to above.

You have the right to seek dispute resolution services from either the Office of Government Information Services (OGIS) or DLA FOIA Public Liaison. As part of the 2007 FOIA amendments, the OGIS was created to offer mediation services.

Similarly, as part of the FOIA Improvement Act of 2016, DLA established a FOIA Public Liaison to offer mediation services. Both OGIS and the DLA Public Liaison will assist in resolving disputes between FOIA requesters and DLA as a non-exclusive alternative to an appeal. Using OGIS or the DLA FOIA Public Liaison for mediation services does not affect your right to pursue an appeal nor does it stay the appeal clock. You may contact OGIS or the DLA Public Liaison at:

Office of Government Information Services
National Archives and Records Administration
Room 2510
8601 Adelphi Road
College Park, MD 20740-6001
E-mail: ogis@nara.gov
Telephone: 202-741-5770
Facsimile: 202-741-5769
Toll-free: 1-877-684-6448

DLA FOIA Public Liaison
Lewis Oleinick, CIPP/US/G
Defense Logistics Agency
Suite 1326, ATTN: IGC (FOIA/PA)
8725 John J. Kingman Rd.
Fort Belvoir, VA 22060-6221
571-767-6194 (w)
FOIA.Liaison@dla.mil

You have the right to appeal this partial denial. An appeal must be made in writing to the General Counsel and reach the General Counsel's Office within 90 calendar days from the date of this letter, and no later than 5:00 pm Eastern Standard Time. The appeal should include your reason(s) for appeal, the full FOIA case number (identified above) and a copy of this letter. Go to <https://foiaonline.regulations.gov/foia/action/public/request/publicPreCreate> to submit your appeal or mail your appeal to:

The FOIA and Privacy Office
Defense Logistics Agency,
ATTN: IGC (FOIA/PA), Suite 1326
8725 John J. Kingman Road
Fort Belvoir, Virginia 22060-6221

If you have any questions concerning this response, please direct them to Tyler J. Stewart (FOIA Specialist) via e-mail to Tyler.Stewart@dla.mil or via telephone at 614-692-9066. Please include the **full FOIA case number** (identified above) in any subsequent communication regarding this request.

Sincerely,

TYLER J. STEWART
FOIA Specialist